

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 90-202-C - ORDER NO. 90-533✓  
MAY 21, 1990

IN RE: Request of Southern Bell Telephone &     )  
Telegraph Company and Concurring Local     )  
Exchange Companies for Approval of     ) ORDER RULING ON  
Tariff Revisions to Establish Uniform     ) MOTION TO PRODUCE  
Rates for the Interconnection of Local     )  
Exchange Services and Cellular Mobile     )  
Carriers Networks.     )

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Motion to Produce filed on behalf of MetroMobile CTS, Inc. (MetroMobile) seeking an Order of the Commission requiring Southern Bell Telephone & Telegraph Company (Southern Bell) to produce certain items. The Commission has previously, in Order No. 90-502, ruled on one portion of the Motion to Produce concerning cost data.

Additionally, MetroMobile sought the production of "all documents or writings of any kind or nature whatsoever the Applicant intends to introduce or discuss at any hearing held in this matter, whether under direct examination or cross-examination and provide a copy of same to intervenor". MetroMobile also asks for "all photographs, plats, financial tables, analysis, cost


studies or sketches of any kind or nature whatsoever the Applicant intends to use or introduce at any hearing held in this matter, and provide a copy of same to intervenor. For each item listed in response to this request for production, please provide a brief description of the purpose for which such item will be introduced or discussed." Southern Bell filed a Return to this Motion and objected to the request of MetroMobile. Southern Bell agreed, pursuant to the Commission's Rules and Regulations, that it should provide exhibits upon which it will rely during its direct and/or rebuttal case. Southern Bell objected to divulgence, in advance of hearing, its plans for cross-examination.

The Commission does not have a specific rule relating to Motions to Produce. However, the Commission does have Rule R.103-854 of its Rules of Practice and Procedure which allows the Commission to rely on the South Carolina Rules of Civil Procedure in all discovery matters not covered in the Commission's discovery procedures. Rule 34 of the South Carolina Rules of Civil Procedure relates to the production of documents. The Commission finds that under the Rule 34 (b), MetroMobile has not set forth the items it wishes to inspect by listing them by individual item or by category and has failed to describe each item and category with reasonable particularity. Therefore, to the extent that MetroMobile requests information dealing with Southern Bell's cross-examination of witnesses in this proceeding, the Commission finds that the

requirements of Rule 34 (b) and the procedures specified therein have not been met, and that portion of the Motion to Produce should be quashed. By the Commission's own Rules and Regulations, Southern Bell should file and produce the exhibits and documents it will introduce on direct or rebuttal examination.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)